



PATENT

Attorney Docket No. A-70385-2/RBC/VEJ

Attorney Matter No. 463678-00212

Application No. 10/775,829

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian M. ADAMS *et al.*

Application No. **10/775,829**

Filed: **February 9, 2004**

For: **CLOSURE HAVING ROTATABLE
SPOUT AND AXIALLY MOVABLE
STEM**

Art Unit: **Prior: 3754**

Examiner: **Prior: Frederick C. Nicolas**

Docket No.: **A-70385-2/RBC/VEJ**

Certificate of Mail (37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on 3-18-04

Patricia A. Diehl
Patricia A. Diehl

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449A/PTO. Copies of the cited references are enclosed, unless otherwise noted below. It is further understood that the Examiner will also consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (I)(A)(2).

Applicant makes no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material to patentability. The filing of this Information

Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This Information Disclosure Statement is being filed within three months of the filing date of a national application other than a continued prosecution application, within three months of the date of entry of a national stage, before the mailing date of a first Office action on the merits, or before the mailing date of a first Office action after the filing date of request for continued examination. 37 C.F.R. § 1.97(b). No fee is required.

This Application relies on the earlier filing date of prior Application No. 10/313,575 filed December 6, 2002, and 10/017,187 filed December 12, 2001, under 35 U.S.C. § 120. It is understood that the Examiner will consider information that was submitted to or cited by the Office in such prior applications. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (I)(A)(2). Copies of documents previously submitted to or cited by the Office in the prior application are not required to be provided in this application and thus are not attached. 37 C.F.R. § 1.98(d).

- ☒ A copy of each reference cited on the accompanying substitute for form PTO-1449A/PTO was submitted to or cited by the Office in the above-mentioned applications, thus a copy of such references is not required nor is attached.

A concise explanation of the relevance of the non-English language document(s) appears below:

- ☒ A concise explanation of the relevance of a non-English language document is not required if the non-English language documents was cited or submitted in a prior application relied on under 35 U.S.C. § 120. M.P.E.P. § 609 (III)(A)(3). As all documents was cited or submitted in prior U.S. Patent Application No. 10/313,575 filed December 6, 2002, a concise explanation of the relevance of any non-English document is not required and thus is not provided in this application.

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In accordance with M.P.E.P. §2001.06(b), the Examiner's attention is directed to co-pending U.S. Patent Application Nos.: 09/955,844 filed 9/18/2001; and 10/266,091 filed 10/4/2002, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 50-2319 (Matter No. 463678-00212; Docket No. A-70385-2/RBC/VEJ).

Respectfully submitted,

Date: 3/18/2004

By: 

Victor E. Johnson, Reg. No. 41,546
/for/ Robert B. Chickering, Reg. No. 24,286
Filed Under 37 C.F.R. § 1.34(a)

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Substitute for form 1449A/PTO

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STATEMENT BY APPLICANT**

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Sheet

1

of

2

Application Number	10/775,829
Filing Date	February 9, 2004
First Named Inventor	ADAMS et al.
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	A-70385-2/RBC/VEJ

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	2,808,169	10-01-1957	Gruber	
	A2	3,278,096	10-11-1966	Miller	
	A3	3,578,223	05-11-1971	Armour	
	A4	3,784,045	01-08-1974	Komendowski	
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Examiner
SignatureDate
Considered

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

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	A29	6,112,923	09-05-2000	Ma	
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Examiner Initials*	Cite No.	Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	A40	EP 1,010,634 A1	06-21-2000	NOVEMBAL	See the Figure	
	A41	EP 1,147,994 A1	10-24-2001	L & M SERVICES B.V.	FIGS. 1A, 1B, 2, 3	
	A42	WO 00/23344 A1	04-27-2000	CLIVE		
	A43	WO 00/27717 A1	05-18-2000	COORY		
	A44	WO 01/08996 A1	02-08-2001	YU	FIGS. 1-4	
	A45	WO 01/36289 A1	05-25-2001	COORY		
	A46	WO 02/074647 A1	09-26-2002	AMCOR PACKAGING PTY LTD		
	A47					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A48		

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